



15915 U.S. PTO

PATENT

Customer Number 22,852

Attorney Docket No. 7883.0004-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PTO
10/681323**Mail Stop Patent Application**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Prior Application Art Unit: 3762 Prior Application Examiner: P. Bianco

SIR: This is a request for filing a

Continuation Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/534,038, filed March 24, 2000, of Peter J. WILK et al. for LEFT VENTRICULAR CONDUITS TO CORONARY ARTERIES AND METHODS FOR CORONARY BYPASS.

1. Enclosed is a complete copy of the prior application, including the drawings, as originally filed. This application is being filed without a Declaration or oath under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the U.S. Patent Office of the time period in which to file the Declaration or oath. I hereby verify that the attached papers are a true copy of prior Application No. 09/534,038 as originally filed on March 24, 2000, which is incorporated herein by reference.
2. Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. Cancel Claims.
5. A Preliminary Amendment is enclosed.
6. The filing fee, including the extra claims fee, is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment.

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| Basic Application Filing Fee | | | | | \$770 | \$ 770.00 | | |
|---|------------------|---|--------|--------------|------------|-----------|--|--|
| | Number of Claims | | Basic | Extra Claims | | | | |
| Total Claims | 38 | - | 20 | 18 | x \$18 | 324.00 | | |
| Independent Claims | 8 | - | 3 | 5 | x \$86 | 430.00 | | |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) | | | +\$280 | | | | | |
| Subtotal | | | | | \$ 1524.00 | | | |
| Reduction by 1/2 if small entity | | | | | - | 762.00 | | |
| TOTAL APPLICATION FILING FEE | | | | | \$ 762.00 | | | |

7. This application is being filed under the provisions of 37 C.F.R. § 1.53(f), without a Declaration and without the filing fee. Applicants await notification from the U.S. Patent Office of the time period in which payment of the filing fee and submission of the Declaration is required.

8. The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, with the exception of the filing fee, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

9. Amend the specification by replacing the paragraph at lines 5-11 on page 1, with the following new paragraph:

--This application is a continuation of Application No. 09/534,038, filed March 24, 2000, currently pending, which is a continuation of Application No. 09/369,039, filed August 4, 1999, now abandoned. U.S. Application No. 09/369,039 is a continuation-in-part of Application No. 09/016,485, filed January 30, 1998, now abandoned, and is a continuation-in-part of PCT Application No. PCT/US99/03484, filed internationally February 17, 1999, and claims the benefit of U.S. Provisional Application Nos. 60/099,691, 60/099,720, and 60/099,767, each filed September 10, 1998; and U.S. Provisional Application No. 60/104,397, filed October 15, 1998. The disclosures of all of the applications listed above are incorporated herein by reference.--

10. New formal drawings are enclosed.

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11. The prior application is assigned of record to: Percardia, Inc.

12. Priority of application Serial No. ____, filed on ____ in ____ is claimed under 35 U.S.C. § 119. A certified copy
 is enclosed or is on file in the prior application.

13. Small entity status is appropriate and applies to this application.

14. Please recognize as associate power of attorney Susanne T. Jones, Reg. No. 44,472.

15. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Application No. 09/534,038, filed March 24, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 9, 2003

By  Reg. No. 41,450
for Leslie I. Bookoff
Reg. No. 38,084

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